

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

FOREFRONT MACHINING	:	
TECHNOLOGIES, INC.,	:	
	:	Case No. 3:19-cv-383
Plaintiff,	:	
	:	Judge Thomas M. Rose
v.	:	
	:	
SARIX SA, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER CONCERNING REFERENCES TO HEARING TESTIMONY IN
DOCS. 27 AND 34**

On January 13, 2020, Defendant Alouette Tool Company, Ltd. (“Alouette”) and Defendant SARIX SA (“SARIX”) filed “Defendant Alouette Tool Company Ltd.’s and Specially Appearing Defendant SARIX SA’s Motion to Quash Purported Service of Process” (Doc. 16) (the “Motion”). As the parties are aware, subsequent to that filing, this Court held in-court hearings on January 22, 2020 and February 3, 2020 in response to a different motion filed by Alouette. On February 3, 2020, Plaintiff Forefront Machining Technologies, Inc. (“Forefront”) filed a response in opposition to the Motion (the “Response”). (Doc. 27.) On February 18, 2020, Alouette and SARIX filed a reply in support of the Motion (the “Reply”). (Doc. 34.)

Southern District of Ohio Local Rule 7.2 (Motions and Other Papers) states, in part, the following:

(d) **Evidence Supporting Motions - Deadlines.** When proof of facts not already of record is necessary to support or oppose a motion, all evidence then available shall be discussed in, and submitted no later than, the primary memorandum of the party relying upon such evidence. ...

(e) **Memoranda Evidence.** Evidence shall be presented, in support of or in opposition to any motion, using affidavits, declarations pursuant to 28 U.S.C. §

1746, deposition excerpts, admissions, verified interrogatory answers, and other documentary or electronic exhibits. Unless already of record, such evidence shall be attached to the memorandum or included in an appendix thereto. ...

Evidence submitted, including discovery documents, shall be limited to that necessary for decision and shall include only essential portions of transcripts or exhibits referenced in the memorandum.

When a substantial number of pages of deposition transcripts or exhibits must be referenced for the full and fair presentation of a matter, the parties shall refer in their memoranda the specific pages at which key testimony is found and ensure that a copy of the entire transcript or exhibit is timely filed with the Clerk. The parties shall ensure that all transcripts relied upon include all corrections made by the witness pursuant to Fed. R. Civ. P. 30(e) and the certification pursuant to Fed. R. Civ. P. 30(f).

S.D. Ohio L.R. 7.2(d), (e).

Both the Response and the Reply refer to testimony from (at least) the January 22, 2020 hearing. However, while such references sometimes—though certainly not always—include a generic citation to, for example, “Testimony of Mr. Brogan at 1/22/2020 hearing,” there is no citation to a transcript of such testimony. There is also no transcript of such testimony attached to the Response or the Reply, and there is no transcript of either the January 22 or February 3, 2020 hearings presently filed in the record.

Therefore, if one or more of the parties wants the Court, in ruling on the Motion, to consider testimony from the January 22, 2020 hearing (and, to the extent there is any referenced in the Response or Reply, from the February 3, 2020 hearing), then such party or parties must (1) on or before 10 days from the date of this Order, request a 14-day transcript of the hearing from Mary Schweinhagen, the Court reporter for the undersigned, who can be reached at (937) 512-1604; and (2) on or before 10 days from the date that the party receives a copy of the transcript or the transcript is filed in this case, file with the Court a document—which could be in the form of bullet points or a chart—that identifies (a) statement(s) in its Response or Reply that rely on or refer to testimony from one of the hearings; and (b) for each such statement, a corresponding citation to

the page(s) and line number(s) in the transcript that supports that statement. The Court notes that the parties are not to include any additional argument whatsoever in that filing.

DONE and **ORDERED** in Dayton, Ohio, this Friday, February 28, 2020.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE